

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Willie Johnson,)	
)	No. 07 C 6862
Plaintiff,)	
)	Judge Shadur
v.)	
)	Magistrate Judge Cole
Robert Garza, et. al,)	
)	Jury Demand
Defendants.)	

**DEFENDANTS' AGREED MOTION FOR EXTENSION
TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS**

Defendant Chicago Police Officers Robert Garza, Anthony Amato, Vernon Mitchell, Jr., Thomas Harris, Thomas McDermott, Donna Strand, Daniel Ludwig, Enrique Pacheco, Jr., Bryant Garcia, A. Torres, and Patrick Johnson, and Defendant City of Chicago ("Defendants"), by their attorneys, Patricia J. Kendall and Anne K. Preston, Assistants Corporation Counsel of the City of Chicago, move this Honorable Court for a brief extension of time to submit their reply in support of their motion to dismiss plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff has agreed to this request. In support of this motion, Defendants state as follows:

1. Plaintiff filed his Response to Defendants' Motion to Dismiss on May 5, 2008. Previously, the court had indicated it would not be necessary for the Defendants to file a reply.
2. On May 8, 2008, this court issued a minute order vacating its previous order and requiring Defendants to file a reply memorandum by May 21, 2008.
3. One of Defendants' counsel, Patricia Kendall, was unexpectedly hospitalized from April 25 – May 2, and only returned to work full time the week of May 12. This

unexpected and unplanned absence has resulted in a significant backload of work and has prevented counsel from being able to devote the time necessary to prepare a reply memorandum.

4. Defendants' other counsel, Anne Preston, was in trial the week of May 12, 2008, before Judge Moran. Thus, Ms. Preston has been unavailable to prepare the reply memorandum.

5. Defendants request a short extension of one week, until May 28, in order to adequately research and respond to the arguments raised in Plaintiff's response to their motion to dismiss.

6. This request is not intended to delay the course of these proceedings, but to enable Defendants to adequately prepare their reply. Defendants do not believe the parties will be unduly prejudiced by this request, to which plaintiff's counsel has graciously agreed.

WHEREFORE, Defendant Officers Robert Garza, Anthony Amato, Vernon Mitchell, Jr., Thomas Harris, Thomas McDermott, Donna Strand, Daniel Ludwig, Enrique Pacheco, Jr., Bryant Garcia, A. Torres, and Patrick Johnson, and Defendant City of Chicago respectfully request that this Honorable Court grant this request to extend the time by which to file their response until May 28, 2008; defendants request any and all further relief this Court deems appropriate.

Respectfully Submitted,

s/ Patricia J. Kendall
Patricia J. Kendall
Assistant Corporation Counsel
Atty No. 06195253

s/ Anne K. Preston
Anne K. Preston
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Atty No. 6287125

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the above and foregoing **NOTICE OF MOTION** and **DEFENDANTS' AGREED MOTION FOR EXTENSION TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS** to be sent via e-filing to all attorneys or record on May 20, 2008, in accordance with the rules on electronic filing of documents.

s/ Patricia J. Kendall